

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                      |   |                                   |
|--------------------------------------|---|-----------------------------------|
| <b>STEVEN COLLINS,</b>               | : |                                   |
| <b>Plaintiff,</b>                    | : |                                   |
|                                      | : |                                   |
| <b>v.</b>                            | : | <b>CIVIL ACTION NO. 20-CV-314</b> |
|                                      | : |                                   |
| <b>CITY OF PHILADELPHIA, et al.,</b> | : |                                   |
| <b>Defendants.</b>                   | : |                                   |

**ORDER**

AND NOW, this 7<sup>th</sup> day of April, 2020, upon consideration of Plaintiff Steven Collins's Motion to Proceed *In Forma Pauperis* (ECF No. 4), his Prisoner Trust Fund Account Statement (ECF No. 6), and his *pro se* Amended Complaint (ECF No. 5), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Steven Collins, #598352, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Curran Fromhold Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Collins's inmate account; or (b) the average monthly balance in Collins's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Collins's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Collins's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Curran Fromhold Correctional Facility.

4. The Amended Complaint is **DEEMED** filed.

5. The Amended Complaint is **DISMISSED IN PART WITH PREJUDICE AND DISMISSED IN PART WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum, as follows:

a. Defendants Philadelphia County Prison System and Philadelphia County Sheriff's Office are **DISMISSED WITH PREJUDICE**.

b. Defendant City of Philadelphia is **DISMISSED WITHOUT PREJUDICE**.

6. Collins may file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint and shall state the basis for Collins's claims against each defendant. The second amended complaint shall be a complete document that does not rely on the initial Complaint, the Amended Complaint, or other papers filed in this case to state a claim. When drafting his second amended complaint, Collins should be mindful of the Court's reasons for dismissing the claims in his Amended Complaint as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court is **DIRECTED** to send Collins a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Collins may use this form to file his second amended complaint if he chooses to do so.

8. If Collins fails to file a second amended complaint in accordance with this Order, his case may be dismissed without further notice for failure to prosecute.

**BY THE COURT:**

/s/ *Mitchell S. Goldberg*

**MITCHELL S. GOLDBERG, J.**